

2007 OCT 23 PM 2:28

Practitioner's Docket No.: 832\_001 DIV3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: James F. Brown

Ser. No.: 10/798,857

Group Art Unit: 1641

Filed: March 11, 2004

Examiner: Christopher L. Chin

Title: METHOD FOR DETECTING THE PRESENCE OF A SINGLE TARGET NUCLEIC ACID  
IN A SAMPLE

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as first  
class mail addressed to Mail Stop 16, Director of the  
U.S. Patent and Trademark Office, P.O. Box 1450,  
Alexandria, VA 22313-1450 on October 19, 2007.

*Melissa T. Kuczynski*  
Melissa T. Kuczynski

REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

1. Refund Request

This request for refund is made within two years of the date a fee was paid in this application on  
July 10, 2007, in the amount of \$130.00.

2. Fees Paid For Which Refund Requested

Fee Code	37 CFR	Description	Amount of Refund Requested
1001/2001	1.16(a)	<input type="checkbox"/> Filing fee	_____
1201/2201	1.16(b)	<input type="checkbox"/> Claims in Excess of 20	_____
1202/2202	1.16(c)	<input type="checkbox"/> Independent Claims in Excess of 3	_____
1051/2051	1.16(e)	<input type="checkbox"/> Surcharge for filing the basic filing fee or declaration on a date later than the filing date of the application	_____
		<input type="checkbox"/> Extension of term	
1251/2251	1.17(a)(1)	<input type="checkbox"/> first month	_____
1252/2252	1.17(a)(2)	<input type="checkbox"/> second month	_____
1253/2253	1.17(a)(3)	<input type="checkbox"/> third month	_____

1460 1.17(h) ☐ Petition fee  
☒ Other Terminal Disclaimer Fee \$65.00

**Explanation of Why Contested Charge is in Error**

On July 9, 2007 Applicant's undersigned representative filed an Amendment and Terminal Disclaimer with the U.S. PTO. As Applicant is a small entity, and it was clearly marked as a small entity on the Transmittal (a copy of which is attached hereto), the fee charged should have been \$65.00.

On July 10, 2007 the PTO charged Applicant's undersigned representative's Deposit Account \$130.00 for the Terminal Disclaimer.

As the PTO erroneously charged the large entity rate instead of the small entity rate, \$65.00 should be refunded to Applicant's undersigned representative's Deposit Account.


**3. Manner of Refund**

Please make refund by

- ☒ crediting Deposit Account No. 50-1446.  
☐ refunding payment.

October 19, 2007  
Date

Respectfully submitted,

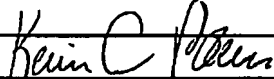
  
Kevin C. Brown  
Reg. No. 32,402

KCB/mtk

BURR & BROWN  
P.O. Box 7068  
Syracuse, NY 13261-7068

Customer No.: 25191  
Telephone: (315) 233-8300  
Facsimile: (315) 233-8320

CLAIMS						
(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid	(5) No. of Extra Claims Present	(6) Rate (Large Entity)	(7) Additional Fee
TOTAL CLAIMS	131	MINUS	20	111	\$50.00	\$5,550.00
INDEP. CLAIMS	34	MINUS	3	31	\$200.00	\$6,200.00
TOTAL CLAIMS FEE						\$11,750.00
EXTENSION OF TERM						
<input type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.						
<input checked="" type="checkbox"/> This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and appropriate non-small entity fee are as follows:						
<input type="checkbox"/> One Month (37 CFR 1.17(a)(1)) ..... \$120.00						
<input type="checkbox"/> Two Month (37 CFR 1.17(a)(2)) ..... \$450.00						
<input checked="" type="checkbox"/> Three Month (37 CFR 1.17(a)(3)) ..... \$1,020.00						1,020.00
OTHER MISCELLANEOUS FEES						
<input type="checkbox"/> RCE Filing Fee (37 CFR §1.17(e)) ..... \$790.00						
<input checked="" type="checkbox"/> Terminal Disclaimer (37 C.F.R. § 1.20(d)) ..... \$130.00						130.00
<input type="checkbox"/> Other: .....						
SUBTOTAL OF FEES DUE						\$12,900.00
<input checked="" type="checkbox"/> Applicant claims small entity status (37 CFR 1.27). Therefore, the fee amount is reduced by one-half.						
TOTAL FEES DUE						\$6,450.00
<input type="checkbox"/> No additional fee is required.						
<input checked="" type="checkbox"/> The fees associated with this paper are being paid electronically with this submission.						
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.						

Submitted By:					
Name (Print Type)	Kevin C. Brown	Reg. No.	32,402	Customer No.	025191
		Telephone	(315) 233-8300	Facsimile	(315) 233-8320
Signature				Date	July 9, 2007



United States  
Patent and  
Trademark Office



### Deposit Account Statement

Requested Statement Month:

July 2007

Deposit Account Number:

501446

Name:

BURR & BROWN

Attention:

STEPHEN P BURR

Street Address 1:

P.O. BOX 7068

Street Address 2:

7TH FLOOR

City:

SYRACUSE

State:

NY

Zip:

13202

Country:

UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/02	13774	60947505	789_166 PRO	1005	\$200.00	\$28,901.00
07/03	1817	11343285	926_002	1801	\$790.00	\$28,111.00
07/03	9450	11672574	791_213 CON	1806	\$180.00	\$27,931.00
07/03	10371	10871351	815_015	1251	\$120.00	\$27,811.00
07/05	51	10507420	100-027	2614	\$200.00	\$27,611.00
07/05	1	11147410	920_034	1806	\$180.00	\$27,431.00
07/06	1	11343285	926_002	1251	\$120.00	\$27,311.00
07/06	8472	60839456	947_002 PRO	8007	\$20.00	\$27,291.00
07/06	11215	10640811	788_112	1251	\$120.00	\$27,171.00
07/09	416	11721066	782_237	2051	\$65.00	\$27,106.00
07/09	572	11721066	782_237	8021	\$40.00	\$27,066.00
07/10	2074	10304277	790_070	1814	\$130.00	\$26,936.00
07/10	2075	10304277	790_070	1253	\$1,020.00	\$25,916.00
07/10	2305	10798857	832_001 DIV3	2202	\$2,775.00	\$23,141.00
07/10	2306	10798857	832_001 DIV3	2201	\$3,100.00	\$20,041.00
07/10	2307	10798857	832_001 DIV3	1814	\$130.00	\$19,911.00
07/10	2308	10798857	832_001 DIV3	2253	\$510.00	\$19,401.00
07/10	2436	60948586	946_005 PRO	2005	\$100.00	\$19,301.00
07/10	11515	11769945	905_019	1011	\$300.00	\$19,001.00
07/10	11516	11769945	905_019	1111	\$500.00	\$18,501.00
07/10	11518	11769945	905_019	1051	\$130.00	\$18,371.00
07/10	11517	11769945	905_019	1311	\$200.00	\$18,171.00
07/10	11579	11769945	905_019	8021	\$40.00	\$18,131.00
07/10	11822	60948751	947_007 PRO	1005	\$200.00	\$17,931.00
07/10	12142	11775427	796_085	1011	\$300.00	\$17,631.00
07/10	12144	11775427	796_085	1311	\$200.00	\$17,431.00
07/10	12143	11775427	796_085	1111	\$500.00	\$16,931.00
07/10	12230	11775427	796_085	8021	\$40.00	\$16,891.00

## Electronic Patent Application Fee Transmittal

Application Number:	10798857			
Filing Date:	11-Mar-2004			
Title of Invention:	Method for detecting the presence of a single target nucleic acid in a sample			
First Named Inventor/Applicant Name:	James F. Brown			
Filer:	Kevin C. Brown/Janet Stevens			
Attorney Docket Number:	832_001 DIV3			
Filed as Small Entity				
<b>Utility Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
Claims in excess of 20	2202	111	25	2775
Independent claims in excess of 3	2201	31	100	3100
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				

11/09/2007 SDIRETA2 00000008 501446 10798857

01 FC:2814 65.00 DA

Adjustment date: 11/09/2007 SDIRETA2 10798857  
07/10/2007 INTERF: 00001421 501446  
03 FC:1814 130.00 CR

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Statutory disclaimer	1814	1	130	130
<b>Extension-of-Time:</b>				
Extension - 3 months with \$0 paid	2253	1	510	510
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>6515</b>